

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

ROBERT SYLVESTER KELLY, aka
“R. Kelly,”
DERREL McDAVID, and
MILTON BROWN, aka “June Brown”

Case No. 19 CR 567

Honorable Harry D. Leinenweber

**GOVERNMENT’S MOTION FOR LEAVE TO FILE *INSTANTER*
CORRECTED RESPONSE TO DEFENDANT DERREL McDAVID’S
MOTIONS TO COMPEL DISCOVERY**

The UNITED STATES OF AMERICA, through its attorney, JOHN R. LAUSCH, JR., United States Attorney for the Northern District of Illinois, hereby requests leave to file a corrected response to defendant Derrel McDavid’s motions to compel discovery.

1. On August 3, 2022, McDavid filed a Motion to Compel Discovery, seeking extensive discovery concerning communications between AUSA Angel Krull and author Jim DeRogatis. R. 247. On August 5, 2022, McDavid filed a Supplemental Motion to Compel Discovery, seeking documents and information concerning communications between AUSA Krull and other members of the prosecution team and the alleged victims of defendant Kelly’s offenses. R. 252.

2. On August 10, 2022, the government filed its consolidated response to these motions. R. 265.

3. The government has since noted an inadvertent error contained within its consolidated response. Page 6 of the original submission indicated that AUSA

Krull texted Minor 1 using her personal cell phone. AUSA Krull did not exchange text messages with Minor 1 using her personal cell phone and only communicated with Minor 1 using her government issued cell phone. Additionally, the government has since noted a mathematical error. Page 3 of the original submission provided figures representing the volume of discovery produced to defendants. Upon further review those numbers have been corrected as follows: Collectively, the government has produced to defendants approximately 11,959 files (12,451 files in the original) (including documents, images, spreadsheets, and audio/video recordings) totaling 49.3 GB (49.54 GB in the original), as well as 8,488 files (7,996 files in the original) totaling nearly 12 GB (11.8 GB in the original) of materials which were received from the U.S. Attorney's Office for the Eastern District of New York on March 8, 2022.

The government now respectfully seeks leave of the court to file a corrected response reflecting the above amendment, attached here as Exhibit A.

Respectfully submitted,

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United States Attorney

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